

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 21 September 2005. Responsive to the Office Action, Claims 4 and 6 have been cancelled from this case without prejudice or disclaimer, and Claims 1 and 7 – 8 have now been amended for further prosecution with the other pending claims. It is believed that with such amendment of claims, there is a further clarification of their recitations.

In the Office Action, the Examiner rejected Claims 7 – 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. It is believed that the amendments incorporated into the claims hereby now obviate the Examiner's formal concerns under 35 U.S.C. § 112, second paragraph.

Also in the Office Action, the Examiner rejected Claim 7 under 35 U.S.C. § 102(b) as being anticipated by the Sollestre et al. reference. The Examiner further rejected Claims 9 – 11 under 35 U.S.C. § 103(a) as being unpatentable over Sollestre et al. in view of the Jones reference. In setting forth the latter rejection, the Examiner cited Jones for disclosing a programmable receiver which stores dealer or customer codes and reasoned that it would have been obvious to one of ordinary skill in the art to have incorporated the feature into the Sollestre et al. remote keyless entry system.

The Examiner also rejected Claims 1 – 6 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Sollestre et al. and Jones, further in view of the Rossin reference. Citing Rossin for disclosing a programmable receiver which responds to a specific preamble to enter a programming mode, and correlating the preamble with the claimed recognition code, the Examiner once again reasoned that it would have been obvious to one of ordinary skill in the art to have incorporated the feature in the Sollestre et al. system.

As newly-amended independent Claims 1 and 7 now more clearly recite, Applicant's method and system include among their combination of features that of providing "a recognition code" by which "to distinguish an emitting device of a particular group from an emitting device of a different group." If the given emitting device is determined to be of that particular group, a second code from the emitting device is examined to "determin[e] whether said ... code is of a master code or user code form," as Claims 1 and 7 each further clarify. It is "additionally determin[ed]" thereafter "whether prior entry has been made in" a given memory device "of any code having the same code form as said ... code," with "selective clearing [of] said memory responsive" occurring "responsive thereto," as Claims 1 and 7 also now more clearly recite.

The full combination of these and other features now more clearly recited by Applicant's pending claims is nowhere disclosed by the cited references. Note in this regard that while the Sollestre et al. reference does disclose a

reprogrammable remote keyless entry system, its reprogramming to accommodate a new transmitter is initiated by the user depressing a corresponding key “for a minimum period of time” while maintaining certain other extraneous conditions like turn on of the automobile ignition switch and concurrent depression of a panic button (column 2; lines 57 – 61). The reference does not employ any “recognition code” in the transmitted signal itself “to distinguish an emitting device of a particular group from an emitting device of a different group,” for triggering the reprogramming process, as Claims 1 and 7 now more clearly recite. Indeed, Sollestre et al. nowhere contemplates the use of “different group[s]” of emitting devices to even necessitate such distinction. The reference relies instead upon coordination of predetermined manual actions by the user.

Nor does Sollestre et al. disclose the use of any more than a single vehicle access code. The reference thus teaches away from employing both a master/user code and a “recognition code,” as recited by Applicant’s claims. What is more, Sollestre et al. precludes the use of multiple code forms like the alternative “master code or user code form[s]” recited by the newly-amended independent Claims 1 and 7. Sollestre explicitly precludes as much, specifically prescribing the vehicle access code for each receiver of the system to be initially set at the factory to “the same universal code” which may then be reprogrammed to a different setting by the user - “without the assistance of the manufacturer or the dealer,” as the reference repeatedly emphasizes (column 1; lines 10 – 11).

Such contrary teachings of the primarily-cited Sollestre et al. reference renders the disclosures of the secondarily-cited Jones and Rossin references largely ineffectual to the present patentability analysis. Turning nonetheless to the Jones reference, the reference does disclose the alternative use of a customer transmitter and a dealer transmitter in its vehicle security system. Note, however, that Jones prescribes its LEARN MODE to be entered only when the controller recognizes a predetermined sequence of manual actions by the user upon certain hardware, such as opening of the driver's door followed by closure of both an ignition switch and a designated learn switch. Such hardware-based manual initiation of the LEARN MODE actively precludes the use of any separate "recognition code" in the emitted signal itself "to distinguish an emitting device of a particular group from an emitting device of a different group," as Claims 1 and 7 clarify.

The Rossin reference was cited for its use of a preamble in the transmitted signal to trigger the programming mode. Rossin prescribes a preamble in every transmitted signal immediately preceding the actual identification code. Programming mode is initiated when the receiver detects a delay which leads to a "longer than normal preamble 24," (column 4; lines 31 – 32). Thus, Rossin makes no use of an actual "recognition code," capable of "distinguish[ing] an emitting

device of a particular group from an emitting device of a different group,” as Claims 1 and 7 recite. Rossin hardly even suggests the use of “different group[s]” of emitting devices requiring distinction as such.

It is respectfully submitted, therefore, that the cited Sollestre et al., Jones, and Rossin references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant’s pending claims for the purposes and objectives disclosed in the subject Patent Application. The other references cited by the Examiner but not used in the rejection are believed to be further remote from Applicant’s claimed method and system when patentability considerations are taken properly into account.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

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